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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,716	11/30/2001	Alex J. Harvey	AVI 019	7210
26739	7590	02/08/2005	EXAMINER	
AVIGENICS, INC. 111 RIVERBEND ROAD ATHENS, GA 30605			SULLIVAN, DANIEL M	
			ART UNIT	PAPER NUMBER
			1636	
DATE MAILED: 02/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/998,716	HARVEY ET AL.	
	Examiner	Art Unit	
	Daniel M Sullivan	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 21 December 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.


c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☒ entered in part. See explanation below.

The amendment filed on 21 December 2004 under 37 CFR 1.312 has been entered-in-part. The amendments to the specification have been entered. However, the claim amendments have not been entered because the amendment to the claims is improper. MPEP 714.16 states, "An amendment under 37 CFR 1.312 must comply with the provisions of 37 CFR 1.121." In the instant case, the status identifiers are not consistent with the true status of the claims as required under Rule 1.121 because claims 54-57 and 60-90, which are "previously presented", are indicated as "new".


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